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OFFICE OF PETITIONS

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Washington DC 20004-01206

In re Application of
Tsukamoto et al.
Application No. 10/500,319
Patent No.: 7,148,250
Filed: November 22, 2004
Attorney Docket No/20595.128

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: DECISION GRANTING PETITION
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This decision is in response to applicants' "Application for Patent Term Adjustment Under 37 CFR 1.705 filed Feb. 9, 2007 requesting that the Office adjust the Patent Term Adjustment from a determination at the time of the issuance of the patent from eighty-three(83) days to one hundred and twenty three-days (123) days.

The applicants' request for an adjustment is **GRANTED**. The Office will *sua sponte* issue a certificate of correction making the adjustment change from eighty-three (83) days to (123) days. The Office will also change the PAIR determination to be consistent with this decision.

The applicants contest the reduction of patent term of forty (40) days after the mailing of the notice of allowance for the submission of an IDS. Applicants argue that the IDS was in fact submitted on June 28, 2004 and October 15, 2004, prior to the mail date of the notice of allowances.

Applicants arguments are persuasive. Applicants did not file an IDS after the mail date of the notice of allowance. Accordingly, the 40 day reduction after the mail date of the notice of allowance is in error. Applicant submitted an amendment pursuant to 37 CFR 1.312 on September 29, 2006 that was responded to by the USPTO on November 2, 2006, a thirty-five day delay. Accordingly, the Office delayed 158 days pursuant to 37 CFR 1.702(a)(1) and applicants delayed 35 days under 37 CFR 1.704(c)(10). Overall, the correct amount of PTA at the time of the mailing of the issuance of the patent is 123 days.

Applicants have submitted the \$200.00 fee. No additional fees are required to determined the application for patent term adjustment.

After the mailing of this decision, the Office will forward this application to the Certificate of Correction branch for a prompt issuance of the certificate of correction.

Any questions concerning this decision should be directed to Kery A. Fries, Office of Patent Legal Administration, Office of Deputy Commission of Patent Examination Policy, at 571-272-7757.

Kery A. Fries

Kery Fries
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

cc: Adjusted Pair Calculation
Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,148,250 B1
DATED : Dec. 12, 2006
INVENTOR(S) : Tsukamoto et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (83) days

Delete the phrase "by 83 days" and insert – by 123 days--

Day : Monday
Date: 7/9/2007
Time: 15:00:17

P ALM INTRANET

PTA Calculations for Application: 10/500319

Application Filing Date:	11/22/2004	PTO Delay (PTO):	158
Issue Date of Patent:	12/12/2006	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	75
Post-Issue Petitions:	0	Total PTA (days):	123
PTO Delay Adjustment:	40		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
55	07/09/2007	ADJUSTMENT OF PTA CALCULATION BY PTO	40		
51	12/12/2006	PATENT ISSUE DATE USED IN PTA CALCULATION			
50	11/13/2006	EXPORT TO FINAL DATA CAPTURE			
49	11/10/2006	DISPATCH TO FDC			
48	09/29/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
47	10/31/2006	FINISHED INITIAL DATA CAPTURE			
46	11/02/2006	MAIL RESPONSE TO 312 AMENDMENT (PTO-271)			
45	10/30/2006	RESPONSE TO AMENDMENT UNDER RULE 312			
44	09/29/2006	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		35	46
43	09/29/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		40	
42	10/03/2006	APPLICATION IS CONSIDERED READY FOR ISSUE			
41	09/29/2006	ISSUE FEE PAYMENT VERIFIED			
40	09/29/2006	STATEMENT FILED INDICATING A LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS			
39	09/21/2006	WORKFLOW - QUERY REQUEST - FINISH			
38	09/08/2006	TC RETURN TO PUBS			
37	08/11/2006	PUBS CASE REMAND TO TC			
36	09/05/2006	TC RETURN TO PUBS			
35	08/11/2006	PUBS CASE REMAND TO TC			
34	08/23/2006	WORKFLOW - QUERY REQUEST - BEGIN			
33	07/31/2006	RESPONSE TO REASONS FOR ALLOWANCE			
32	07/03/2006	EXPORT TO INITIAL DATA CAPTURE			

31	07/03/2006	EXPORT TO INITIAL DATA CAPTURE			
30	07/03/2006	EXPORT TO INITIAL DATA CAPTURE			
29	06/29/2006	MAIL NOTICE OF ALLOWANCE	158		-1
28	06/29/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
27	06/29/2006	MAIL EXAMINER'S AMENDMENT			
26	06/26/2006	ISSUE REVISION COMPLETED			
25	06/26/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
24	06/26/2006	CASE DOCKETED TO EXAMINER IN GAU			
23	06/22/2006	EXAMINER'S AMENDMENT COMMUNICATION			
22	06/22/2006	NOTICE OF ALLOWABILITY			
21	06/15/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
20	11/22/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
19	11/22/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
18	05/15/2006	CORRESPONDENCE ADDRESS CHANGE			
17	06/27/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
16	06/27/2005	CASE DOCKETED TO EXAMINER IN GAU			
15	11/22/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	11/22/2004	REFERENCE CAPTURE ON IDS			
13	11/22/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	01/10/2005	CLEARED BY OIPE CSR			
11	01/10/2005	CLEARED BY OIPE CSR			
10	01/10/2005	CLEARED BY OIPE CSR			
9	01/10/2005	CLEARED BY OIPE CSR			
8	12/31/2004	CLEARED BY OIPE CSR			
7	11/22/2004	371 COMPLETION DATE			
6	12/15/2004	APPLICATION DISPATCHED FROM OIPE			
5	12/15/2004	NOTICE OF DO/EO ACCEPTANCE MAILED			
4	11/22/2004	ADDITIONAL APPLICATION FILING FEES			
3	11/22/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			